

EXHIBIT

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, ET AL,)
Plaintiffs,)
) No. SA:11-CV-360
vs.)
) San Antonio, Texas
RICK PERRY, ET AL,)
Defendants.)
September 9, 2011
)

VOLUME 4

TRANSCRIPT OF BENCH TRIAL

BEFORE THE HONORABLE ORLANDO L. GARCIA,
THE HONORABLE XAVIER RODRIGUEZ,
UNITED STATES DISTRICT JUDGES,
AND THE HONORABLE JERRY E. SMITH,
UNITED STATES CIRCUIT JUDGE

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12 computer-aided transcription.

1 (September 9, 2011.)

2 JUDGE GARCIA: Ready? Where is Mr. Bledsoe?

3 MR. HICKS: Mr. Who?

4 JUDGE GARCIA: Mr. Bledsoe, Mr. Rios, Mr. Garza?

5 MR. HEBERT: Mr. Rios is here.

6 JUDGE GARCIA: Oh, I didn't see you, Mr. Rios. I
7 just wanted to make sure the main team is here.

8 MR. GARZA: (Indicating.)

9 JUDGE GARCIA: Okay. Good.

10 MR. HICKS: Your Honor, Renea Hicks for the
11 Rodriguez plaintiffs. We have got one exhibit to move the
12 admission on. I believe we want to get that out of the way at
13 the beginning, so we can proceed.

14 We move for the admission of Plaintiff's Exhibit
15 901.

16 MR. MATTAX: No objection.

17 JUDGE GARCIA: Okay.

18 MS. PERALES: Also, the Latino Task Force plaintiffs
19 have corrected one of their summary chart exhibits and placed
20 them into the Court's binders at tab 200. And they are now
21 marked PL-200 corrected, and I believe also -- 201? And 201.

22 JUDGE GARCIA: Okay.

23 MR. MATTAX: Good morning, Your Honor. Pursuant to
24 the stipulation of the parties, we are going to take Mr. Ryan
25 Downton out of turn this morning. Mr. Downton is not going to

1 testify about absolutely everything that was done in the
2 session.

3 We are going to try to streamline that testimony,
4 because he has been deposed, and the parties have agreed that
5 his depositions can be introduced and relied upon in this
6 case.

7 Secondly, the depositions identify certain
8 legislators who had conversations with Mr. Downton; also,
9 other witnesses have been deposed that identified legislators.
10 Mrs. Perales had indicated she was going to introduce those
11 exhibits.

12 We have contacted those legislators and indicated
13 that their names they be revealed. I have heard no objections
14 from those legislators. I have seen nothing filed with this
15 Court from those legislators, so I believe there is not going
16 to be an assertion of legislative privilege with respect to
17 those depositions in this matter.

18 Accordingly, we have no objection to the
19 introduction of the exhibits -- the depositions that Mrs.
20 Perales has provided to the Court. So if she would like to
21 move for the admission of those, I have no objection.

22 MS. PERALES: We believe that we have provided at
23 the Court's request a flash drive with copies of all of the
24 exhibits. That was from last Thursday.

25 JUDGE GARCIA: Okay.

1 MS. PERALES: That was at the request of the Court.
2 I am not sure if we are planning to move the admission of all
3 of the depositions, but we did provide them to the Court, and
4 I guess we will come up with a decision about which ones we
5 want to move into the record.

6 JUDGE GARCIA: Okay.

7 MS. PERALES: So we don't have to make it too
8 unwieldy.

9 MR. MATTAX: Very good.

10 JUDGE GARCIA: Okay. Who -- you are presenting this
11 witness?

12 MR. MATTAX: Yes.

13 JUDGE GARCIA: And who else? And then what is next?

14 MR. GRAY: We will go back to Mr. Bledsoe and
15 complete Dr. Murray, who was on the stand, Your Honor, and the
16 NAACP and their witnesses will be taken forward.

17 JUDGE GARCIA: Okay.

18 MR. MATTAX: May I proceed, Your Honor?

19 JUDGE GARCIA: Yes.

20 COURTROOM DEPUTY: May I swear in the witness, Your
21 Honor?

22 Will you raise your right hand?

23 (Oath administered to the witness.)

24 COURTROOM DEPUTY: Thank you.

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